REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Drawings

Figures 2, 3a, 3b, 8a have been amended to include the label prior art.

Figures 8b and 9 are based on the originally filed specification and respectively illustrate, inter alia, enhancement data layers 200, 202, 204, 206, 208 and elements 210, 212, 214, 216, 218, 220, 222, 224, 226, 228. No new matter has been added. Acceptance of these drawings is respectfully requested.

35 USC § 102

Claims 1, 4, 19, 32, and 34 stand rejected under 35 USC § 102 as allegedly being anticipated by U.S. Pat. No. 6,510,533 to Hazra. However, this contention is respectfully traversed, and for reasons set forth herein, it is respectfully suggested that the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability.

Hazra is interpreted as having each of multiple bandwidth layers (e.g., enhancement layers 2 and 3) consuming the same amount of bandwidth (e.g., 10 bps). This conclusion is incorrect as it omits enhancement layer 1 which is transmitted at a rate of 8 bps (see, inter alia, Hazra, col. 6, lines 37-51).

Claim 1 requires that a single bandwidth be specified for

each of multiple layers and that each of the layers consume substantially the specified bandwidth. Claim 4 requires that the machine instructions specify a single bandwidth for each of multiple layers of digital video and form multiple layers of digital video enhancement data, each of the multiple layers consuming substantially the specified bandwidth. Claim 19 defines a method in which each of the plural layers consuming substantially a single specified bandwidth based on an amount of overall available bandwidth. None of these claims are anticipated by Hazra which discloses that only selective layers, not each layer as claimed, are transmitted so as to consume substantially the same bandwidth.

Furthermore, Hazra does not disclose or otherwise suggest determining an amount of available bandwidth and using this determination to base a single bandwidth for each of multiple layers of digital video (and not only a selected portion of all layers) as covered in independent claims 1, 14, and 19, as amended.

Therefore, each of claims 1, 4, 19, 32, and 34 and those dependent thereon are novel with regard to Hazra and are allowable.

Claims 7, 9, 10, and 12 stand rejected under 35 USC § 102 as allegedly being anticipated by U.S. Pat. No. 6,275,531 to Li. However, this contention is respectfully traversed, and for reasons set forth herein, it is respectfully suggested that the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability.

The rejection reasons that Li's enhancement layers are determined based on the bandwidth of the transmission channel and the number of enhancement layers is limited by the bandwidth requirements. The rejection also states that the enhancement layers have substantially equal bandwidth requirements. This conclusion is not disclosed or otherwise implied by Li. The cited passage in Li (see, Li col. 5, lines 62-67) simply states that "the number of bitstream layers... reaching the destination point 100 can be further limited by not just the physical constraints of the intermediate devices, but the congestion on the network, thereby necessitating the dropping of the bitstream layers according to their priority". Such an arrangement does not result in enhancement layers having equal bandwidth requirements as claimed in claims 7, 9, 10, and 12.

Accordingly, claims 7, 9, 10, and 12 are novel and those dependent thereon in light of Li and are allowable.

35 USC § 103

Claims 2, 3, 5, and 6 stand rejected under 35 USC § 103 as allegedly being obvious over the combination of Hazra and Li. However, this contention is respectfully traversed.

Hazra in view of Li does not suggest that a single bandwidth (which is based on an amount of available bandwidth) is specified for each of multiple layers of digital video.

With regard to claims 2 and 5, neither Hazra nor Li suggest to select a threshold value based on the amount of available bandwidth. Rather, Li states that the "number of bitstream layers generated is a function of the total possible bandwidth of the transmission channel..." (see, Li, col. 5, lines 67-62).

In addition, Li also provides that certain generated bitstream layers may be dropped according to their priority based on physical constraints (see, inter alia, Li, col. 5, lines 62-67).

Accordingly, claims 2 and 5 are allowable.

With regard to claims 3 and 6, as Hazra and Li do not suggest the use of a threshold value, they also do not suggest the transmission of a threshold value over a digital communication channel. This arrangement can be useful for decoding transmitted enhancement layers (see, inter alia, specification, page 22, lines 1-19).

Accordingly, claims 3 and 6 are allowable.

Claims 13, 14 (which has been canceled), 16, and 17 (which has been canceled) stand rejected under 35 USC § 103 as allegedly being obvious over the combination of Li and a paper by Li et al. (the "Paper"). However, this contention is respectfully traversed. Claim 36 was previously canceled.

With regard to claims 13 and 16 neither Li nor the Paper suggest that each of the layers consume substantially the same bandwidth and the consumed bandwidth is based on an amount of overall available bandwidth. As stated above, Li describes determining the number of enhancement layer bitstreams that may be adapted to bandwidth, but is silent as to the layers consuming substantially the same bandwidth. Moreover, the Paper relates to a problem quite different than that addressed by claims 13 and 16, namely DCT layered image compression. Therefore, the skilled artisan would not have been motivated to

combine Li with the Paper to produce the subject matter of claims 13 and 15.

Accordingly, claims 13 and 16 are allowable.

Claim 20 stands rejected under 35 USC § 103 as allegedly being obvious over the combination of Hazra and the Paper.

Neither Hazra nor the Paper describe or otherwise suggest that each of the plural layers consume substantially a single specified bandwidth that is based on an amount of overall available bandwidth. Therefore, the skilled artisan would not have been motivated to produce the subject matter covered by claim 20.

Accordingly, claim 20 is allowable.

Concluding comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Enclosed is a $450 check for the Petition for Extension of Time fee. Please apply any necessary charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 2/9/05

Scott C. Harris
Reg. No. 32,030
Attorney for Intel Corporation

Fish & Richardson P.C.
PTO Customer Number: **20985**
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

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Amendments to the Drawings:

The attached replacement sheets of drawings include changes to (i) Fig. 2 which replaces the original sheet including only this figure; (ii) Figs. 3a and 3b which replace the original sheet including only these figures; (iii) Fig. 8a which replaces the original sheet including only this figure; (iv) Fig. 8b which replaces the sheet including only this figure submitted on June 8, 2004; and (v) Fig. 9 which replaces the sheet including only this figure submitted on June 8, 2004

Attachments following last page of this Amendment:

Replacement Sheets (2 of 10, 3 of 10, 8 of 10, 9 of 10, 10 of 10)